

REMARKS

The above claim amendments are submitted with the following remarks to be fully responsive to the March 16, 2004 Office Action and to place the present application in condition for allowance. Reconsideration of all outstanding grounds of the rejection and allowance of the subject application are believed in order and respectfully requested.

If any additional period of extension is required in order for this paper to be timely filed, then Applicant hereby requests such additional period of extension and authorizes all such fee(s) therefore to be charged to the Kagan Binder Deposit Account No. 50-1775 and notify us of the same. Reconsideration of all outstanding grounds of objection and rejection and allowance of the subject application are respectfully request.

Claims 1 - 31, 34 - 37 and 46 - 49 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out distinctly the claimed subject matter. In particular, the Examiner finds indefiniteness in the claimed support structures and recitation of other elements as related to such support structures as claimed. Also, antecedent basis has been considered lacking with respect to certain recitations within claims 34, 36, 37, 46, 48 and 49.

By this response, each noted point of indefiniteness by the Examiner has been amended to obviate any alleged indefiniteness. Specifically, antecedent basis has been clearly provided and the support "frame" is now set out throughout the claims more generally as "support structure" as such may encompass a specific frame, any element extended from and connected to a frame, and/or additional support structure as such may be separately provided independent from a specific frame. See also the specification at page 13, third paragraph for specific support for this claim language and for the suggestions of the contemplated and suggested structural support possibilities. Accordingly, withdrawal or each and all of the rejections of the claims under 35 U.S.C. 112, second paragraph, is requested and believed proper.

Independent claims 1, 19, 32 and 44 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ostalki et al. (WO 86/02808). Independent claims 1, 32 and 44 were also rejected under 35 U.S.C. 102(b) as being clearly anticipated by Thornley et al. (GB 2075906). Many of the dependent claims were also rejected based upon these references with certain dependent claims also rejected under 35 U.S.C. 103 under the Ostali et al reference and taken further in view of Kobayashi et al. (EP 0746981).

Independent claim 17 was noted as allowable subject to overcoming the section 112, second paragraph rejections, and dependent claims 3 - 5, 7 - 9, 15, 16, 21 - 23, 25 - 27, 31, 34 - 36, 38 - 40, 46 - 48 and 50 - 52 were noted as setting forth allowable subject if incorporated into their respective independent claims and subject to overcoming the section 112, second paragraph rejections. The Examiner's early indication of allowable subject matter is appreciated.

By this response, independent claims 1 and 32 have been amended to emphasize the nature of the enhanced driving engagement aspect in accordance with the present invention and as recognized as including allowable aspects by the Examiner in noting the allowability of dependent claims 15 and 39. Although independent claims 1 and 32 have not been amended to incorporate the full extent of the limitations of dependent claims 15 and 39, respectively, it is submitted that a distinct aspect from such limitations has been added. That is, the presently claimed invention utilizes a temporary increased driving engagement between the dough product and the moving conveyor surface during the initial impact for rolling the dough that is based upon the creation of a low pressure (such as by vacuum) at a position below the conveyed dough product as compared with the ambient environment. Such increased driving engagement is compared with a transfer driving engagement that is suitable for moving the dough product for transfer. Moreover, the Ostalki et al. reference does not disclose or suggest any type of means or step for increasing such a driving force for only a portion of the transfer of dough through an apparatus, and in particular, during or at the impacting step or station. The Thornley reference creates only a high pressure as compared to the ambient environment above the product, the act of which is not the same as creating a low pressure below the product as compared to the ambient environment. Accordingly, it is submitted that independent claims 1 and 32 are allowable over the prior art of record.

As to independent claims 19 and 44, it is submitted that the allowable subject matter from dependent claims 21 and 46 has been substantially incorporated into the claims, and as such, are in condition for allowance. Dependent claims 20, 21, 45 and 46 have thus been cancelled without prejudice.

Conclusion

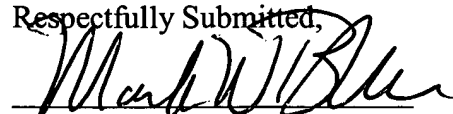
Accordingly, it is submitted that presently pending claims 1 - 7, 9, 11 - 19, 22 - 38, 40, 42 - 44, and 47 - 54 are currently in condition for allowance, a notice of which is earnestly solicited.

The Examiner is invited to contact the undersigned, at the Examiner's convenience, should the Examiner have any questions regarding this communication or the present patent application.

It is submitted that this response is timely filed within the three-month shortened-statutory period as extended by the Request for One-Month Extension of Time filed concurrently herewith. Also, a check in the amount of \$110.00 is enclosed for the One-Month Extension of Time Fee. Should any additional fee be required, the Commissioner is authorized to charge Kagan Binder Deposit Account No. 50-1775 and thereafter notify us of the same.

Respectfully Submitted,

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Dated: July 7, 2004